

**LEGISLATIVE FISCAL OFFICE
ANALYSIS OF BA-7 REQUEST
Approved By JLCB**

DEPARTMENT: State

AGENDA NO.: 1

AGENCY: Secretary of State

ANALYST: Evelyn McWilliams

<u>Means of Financing</u>		<u>Expenditures by Program</u>		<u>T. O.</u>
State General Fund:	\$0	Administrative	\$0	0
Interagency Transfers:	\$0	Elections	\$286,198	0
Self-Generated Revenue:	\$0	Archives & Records	\$0	0
Statutory Dedications:	\$0	Museum & Other Operations	\$0	0
		Commercial	\$0	0
Federal Funds:	\$286,198			
Total	<u>\$286,198</u>	Total	<u>\$286,198</u>	<u>0</u>

I. SUMMARY/COMMENTS

The Secretary of State is requesting approval to carry-forward \$286,198 of Federal funds that is being utilized to provide for expanded voting opportunities for U. S. military personnel and individuals residing outside the U. S. The funding, which is from the U. S. Department of Defense (Defense Human Resource Activity), is the balance of a \$350,000 grant that was added to the agency's budget via a BA-7 in January 2012. The funding will be utilized to provide for computer related expenses required to make it possible for U. S. military personnel and persons residing outside the U. S. to request a ballot via the internet or from a smart phone. U. S. military personnel and individuals residing outside the U. S. are currently able to request ballots via e-mail, mail, or fax.

The funding provides for the following expenditures:

\$211,198 - private contractor GCR & Associates, Inc. to write a computer application providing for the expanded voting capabilities; and
\$75,000 - purchase software from Dominion Voting Systems, which is a manufacturer of electronic voting machines purchased by the state.

FY 12 expenditures included \$63,802 to the private contractor. No other funds were expended.

II. IMPACT ON FUTURE FISCAL YEARS

Approval of this BA-7 request will have no impact on future fiscal years.

III. LEGISLATIVE FISCAL OFFICE RECOMMENDATION

The Legislative Fiscal Office recommends approval of this BA-7 request.

**LEGISLATIVE FISCAL OFFICE
ANALYSIS OF BA-7 REQUEST
Original: Not approved by JLCB**

DEPARTMENT: Executive

AGENDA NO.: 2

AGENCY: LA Public Defender Board

ANALYST: Travis McIlwain

<u>Means of Financing</u>		<u>Expenditures by Program</u>		<u>T. O.</u>
State General Fund:	\$0	LA Public Defender Board	\$500,000	0
Interagency Transfers:	\$0			
Self-Generated Revenue:	\$0			
Statutory Dedications:	\$500,000			
Federal Funds:	\$0			
Total	<u>\$500,000</u>	Total	<u>\$500,000</u>	<u>0</u>

I. SUMMARY/COMMENTS

The purpose of this BA-7 request is to appropriate \$500,000 in statutorily dedicated resources from the LA Public Defender Fund for FY 13 expenditures associated with providing legal representation for those offenders deemed by the Sexual Offender Assessment Panel (SOAP) to be a sexually violent predator or a child predator.

Pursuant to R.S. 15:560 (Act 186 of 2006), which created SOAP, approximately 6 months prior to the release of a sex offender, the sex offender's case will be heard by the panel (SOAP). SOAP, which has 3 total members that consist of members from the Department of Corrections and a licensed psychologist, will determine if the soon-to-be-released sexual offender is a sexually violent predator or child predator. To the extent the individual is considered a sexually violent predator or child predator, the offender will be subject to another court hearing and electronic monitoring upon the release from prison. The public defender will provide legal representation (contract attorney) to the offender before this court hearing.

The Department of Corrections anticipates approximately 20 cases out of approximately 700 total cases being heard by the SOAP to be deemed as a sexually violent predator or child predator and thus, be subjected to the court hearing. The LA Public Defender Board is anticipating each case to cost approximately \$25,000 for expert review and testimony and the contract attorney costs.

The \$500,000 additional budget authority is being appropriated from the LA Public Defender Fund. The original source of revenue for this fund is SGF deposited annually (Schedule # 20-XXX of HB 1). As of September 2012, the LA Public Defender Fund has more appropriation authority from the fund than actual projected cash in the amount of \$185,049 (see LA Public Defender Fund table below).

FY 13 20-XXX SGF Transfer	\$31,849,500
FY 12 Ending Year Fund Balance	\$208,979
<u>FY 13 Interest Earnings to Date</u>	<u>\$2,636</u>
Total FY 13 Revenue Available	\$32,061,115
<u>LESS: FY 13 EOB</u>	<u>(\$32,246,164)</u>
FY 13 Projected Fund Balance	(\$185,049)

The agency is in the process of requesting a SGF treasury seed to fund the \$500,000 request. According to the Division of Administration (DOA), the treasury seed will be paid back via SGF deposited into the LA Public Defender Fund in the FY 13 Supplemental Appropriations Bill/FY 13 Funds Bill with available SGF resources (at the time of transfer). To the extent that those SGF resources, which are currently available, are utilized elsewhere during FY 13 and there are no additional FY 13 SGF resources recognized during the fiscal year by the Revenue Estimating Conference (REC), the DOA anticipates reducing other FY 13 SGF resources in other areas of the FY 13 operating budget in order to fully fund these case expenditures. At this time, it is unknown as to what specific FY 13 SGF resources may be reduced.

**LEGISLATIVE FISCAL OFFICE
ANALYSIS OF BA-7 REQUEST
Original: Not approved by JLCB**

II. IMPACT ON FUTURE FISCAL YEARS

Expenditures associated with such sex offender representation will be an indeterminable ongoing cost in future fiscal years. For FY 13 the Department of Corrections anticipates approximately 20 cases out of approximately 700 total cases being heard by the SOAP to be deemed as a sexually violent predator or child predator and thus, be subjected to the court hearing. The number of cases heard in future fiscal years is indeterminable.

III. LEGISLATIVE FISCAL OFFICE RECOMMENDATION

The Legislative Fiscal Office does not have a recommendation on this BA-7 at this time. The LFO has requested additional information from the Division of Administration (DOA) regarding the agency's plan to pay back the SGF treasury seed if funding is not available as per its current repayment plan.

**LEGISLATIVE FISCAL OFFICE
ANALYSIS OF BA-7 REQUEST
Amended: Approved by JLCB**

DEPARTMENT: Executive

AGENDA NO.: 2

AGENCY: LA Public Defender Board

ANALYST: Travis McIlwain

<u>Means of Financing</u>		<u>Expenditures by Program</u>		<u>T. O.</u>
State General Fund:	\$0	LA Public Defender Board	\$250,000	0
Interagency Transfers:	\$0			
Self-Generated Revenue:	\$0			
Statutory Dedications:	\$250,000			
Federal Funds:	\$0			
Total	<u>\$250,000</u>	Total	<u>\$250,000</u>	<u>0</u>

I. SUMMARY/COMMENTS

The purpose of this BA-7 request is to appropriate \$250,000 in statutorily dedicated resources from the LA Public Defender Fund for FY 13 expenditures associated with providing legal representation for those offenders deemed by the Sexual Offender Assessment Panel (SOAP) to be a sexually violent predator or a child predator.

Pursuant to R.S. 15:560 (Act 186 of 2006), which created SOAP, approximately 6 months prior to the release of a sex offender, the sex offender's case will be heard by the panel (SOAP). SOAP, which has three total members that consist of members from the Department of Corrections and a licensed psychologist, will determine if the soon-to-be-released sexual offender is a sexually violent predator or child predator. To the extent the individual is considered a sexually violent predator or child predator, the offender will be subject to another court hearing and electronic monitoring upon the release from prison. The public defender will provide legal representation (contract attorney) to the offender before this court hearing.

The Department of Corrections anticipates approximately 20 cases out of approximately 700 total cases being heard by the SOAP to be deemed as a sexually violent predator or child predator and thus, be subjected to the court hearing. The LA Public Defender Board is anticipating each case to cost approximately \$25,000 for expert review and testimony and the contract attorney costs.

The \$250,000 additional budget authority is being appropriated from the LA Public Defender Fund. The original source of revenue for this fund is SGF deposited annually (Schedule # 20-XXX of HB 1). As of September 2012, the LA Public Defender Fund has more appropriation authority from the fund than actual projected cash in the amount of \$185,049 (see LA Public Defender Fund table below).

FY 13 20-XXX SGF Transfer	\$31,849,500
FY 12 Ending Year Fund Balance	\$208,979
<u>FY 13 Interest Earnings to Date</u>	<u>\$2,636</u>
Total FY 13 Revenue Available	\$32,061,115
<u>LESS: FY 13 EOB</u>	<u>(\$32,246,164)</u>
FY 13 Projected Fund Balance	(\$185,049)

The agency is in the process of requesting a SGF treasury seed to fund the \$250,000 request. According to the Division of Administration (DOA), the treasury seed will be paid back via SGF deposited into the LA Public Defender Fund in the FY 13 Supplemental Appropriations Bill/FY 13 Funds Bill with available SGF resources (at the time of transfer). To the extent that those SGF resources, which are currently available, are utilized elsewhere during FY 13 and there are no additional FY 13 SGF resources recognized during the fiscal year by the Revenue Estimating Conference (REC), the DOA anticipates reducing other FY 13 SGF resources in other areas of the FY 13 operating budget in order to fully fund these case expenditures. At this time, it is unknown as to what specific FY 13 SGF resources may be reduced.

**LEGISLATIVE FISCAL OFFICE
ANALYSIS OF BA-7 REQUEST
Amended: Approved by JLCB**

II. IMPACT ON FUTURE FISCAL YEARS

Expenditures associated with such sex offender representation will be an indeterminable ongoing cost in future fiscal years. For FY 13 the Department of Corrections anticipates approximately 20 cases out of approximately 700 total cases being heard by the SOAP to be deemed as a sexually violent predator or child predator and thus, be subjected to the court hearing. The number of cases heard in future fiscal years is indeterminable.

III. LEGISLATIVE FISCAL OFFICE RECOMMENDATION

The Joint Legislative Committee on the Budget (JLCB) amended this BA-7 request to \$250,000 and the contract attorney hourly rate of \$110 per hour.

LEGISLATIVE FISCAL OFFICE
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Approved By JLCB

DEPARTMENT: Executive

AGENDA NO.: 3

AGENCY: Military Department

ANALYST: Travis McIlwain

<u>Means of Financing</u>		<u>Expenditures by Program</u>		<u>T. O.</u>
State General Fund:	\$0	Military Affairs	\$17,238,614	0
Interagency Transfers:	\$17,238,614	Education	\$0	0
Self-Generated Revenue:	\$0	Auxiliary Account	\$0	0
Statutory Dedications:	\$0			
Federal Funds:	\$0			
Total	<u>\$17,238,614</u>	Total	<u>\$17,238,614</u>	<u>0</u>

I. SUMMARY/COMMENTS

The purpose of this BA-7 request is to appropriate \$17,238,614 in IAT for expenditures associated with Tropical Storm Isaac (\$17,178,000) and sinkhole missions in Assumption Parish (\$60,614). The original source of the IAT funds is from Federal Emergency Management Agency (FEMA) reimbursements (\$12,883,500) via the Governor's Office of Homeland Security & Emergency Preparedness (GOHSEP) and the State Emergency Response Fund (SERF) (\$4,355,114) via the Division of Administration (DOA).

The current state match allocation associated with Tropical Storm Isaac is 75% Federal/25% State. Thus, of the \$17,178,000 of total Tropical Storm Isaac expenditures within this BA-7 request, the department anticipates \$12,883,500 being reimbursed by FEMA and the remaining \$4,294,500 of requested Tropical Storm Isaac expenditure authority coming from SERF. All of the requested expenditures associated with the sinkhole missions, or \$60,614, will be funded by SERF.

The requested Tropical Storm Isaac expenditures included within this BA-7 request include:

\$9,828,000	pay & allowances (state active duty pay for approximately 6,000 national guardsmen)
\$2,800,000	food contracts (Meals Ready to Eat, supplies for dining facilities)
\$350,000	lodging (hotel expenditures for some guardsmen and liaison officers)
\$500,000	fuel (above ground tanks, mobile fuelers, vehicles & generators)
\$500,000	maintenance & repairs (equipment repair parts)
\$1,400,000	services/supplies (sand bags, specialty tools, fork lift rental, shower trailer rentals, utilities)
<u>\$1,800,000</u>	aviation (Air mission support for government officials & military leaders, search & rescue)
\$17,178,000	TOTAL Tropical Storm Isaac

The sinkhole expenditures included within this BA-7 request include:
\$60,614 - morning & night observation flights at the sinkhole sight

The current FY 13 fund balance within SERF is approximately \$16.5 M. According to the DOA, pursuant to R.S. 39:100.31, the remaining \$16.5 M fund balance within SERF will be appropriated via a commissioner of administration approved in-house BA-7. These resources will then be sent via IAT to other state agencies as the state match for Tropical Storm Isaac, which for this BA-7 request is \$4,294,500. At this time, GOHSEP is projecting total state Tropical Storm Isaac expenditures of approximately \$160 M, which equates to a 25% state match of approximately \$40 M.

On 9/10/2012, the State Treasury approved a state treasury seed for the Military Department in the amount of \$15 M. State Treasury has deposited \$15 M of SGF into the department's account to seed Tropical Storm Isaac expenditures. Once FEMA reimbursements are received, these federal resources will be utilized to pay back the \$15 M in SGF treasury seed.

Note: Pursuant to R.S. 39:100.31, this BA-7 request anticipates the DOA processing an in-house BA-7 that appropriates SERF funds into its FY 13 budget and that the Joint Legislative Committee on the Budget (JLCB) has approved such a use of funds.

II. IMPACT ON FUTURE FISCAL YEARS

September 21, 2012

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Approval of this BA-7 will decrease the fund balance within SERF. Upon approval of this BA-7 request, the amount of funding available from SERF will decrease by \$4,355,114, which will leave a fund balance within SERF of approximately \$12.1 M. As additional Tropical Storm Isaac costs are incurred, the fund balance within SERF will likely decrease.

III. LEGISLATIVE FISCAL OFFICE RECOMMENDATION

The Legislative Fiscal Office recommends approval of this BA-7 request.

DEPARTMENT: Workforce Commission

AGENDA NO.: 4

AGENCY: Workforce Support & Training

ANALYST: Deborah Vivien

<u>Means of Financing</u>		<u>Expenditures by Program</u>		<u>T. O.</u>
State General Fund:	\$0	Executive Director	\$0	0
Interagency Transfers:	\$1,703,830	Management and Finance	\$1,703,830	0
Self-Generated Revenue:	\$0	Information Systems	\$0	0
Statutory Dedications:	\$0	Workforce Development	\$0	0
Federal Funds:	\$0	Unemployment Insurance Administration	\$0	0
		Worker's Compensation Administration	\$0	0
Total	<u>\$1,703,830</u>	Total	<u>\$1,703,830</u>	<u>0</u>

I. SUMMARY/COMMENTS

The purpose of this BA-7 request is to appropriate \$1,703,830 in IAT for the payment to vendors who provided 132,970 meals for those evacuated to shelters due to Tropical Storm Isaac. The original source of the IAT funds is from Federal Emergency Management Agency (FEMA) reimbursements (\$1,277,872) via the Governor's Office of Homeland Security & Emergency Preparedness (GOHSEP) and the State Emergency Response Fund (SERF) (\$425,958) via the Division of Administration (DOA).

The LA Workforce Commission (LWC) will submit the costs related to this BA-7 request to FEMA with assistance from GOHSEP as an eligible reimbursable expense related to the storm. If approved and assuming a continued 75% Federal/25% State match, the GOHSEP portion, or \$1,277,872 will be reimbursed to the LWC from FEMA and the remaining \$425,958 funds from SERF.

Presuming all approvals are in place, the LWC will receive a state treasury seed for the 75% federal match portion in order to pay vendors prior to the FEMA reimbursement. Once FEMA reimbursement has been received, the LWC will repay the state treasury.

It is not certain whether this is the final amount of spending as all invoices for meals may not have been submitted by the vendors and reviewed by the agency at the time of this write-up.

II. IMPACT ON FUTURE FISCAL YEARS

This spending is related to the evacuation for Hurricane Isaac, which was a one-time event. There will be no impact on future fiscal years.

III. LEGISLATIVE FISCAL OFFICE RECOMMENDATION

The Legislative Fiscal Office recommends approval of this BA-7 request.